



10 Questions for Community Stakeholders to Ask Districts About Their COVID-19 Distance Learning Plans

1. Where is your distance learning plan? Does it plan for both short-term and long-term scenarios? Does it seek to educate all students “to the greatest extent possible” during this period of physical school closure? Does it align to grade-level standards?
2. Have you conducted an assessment yet of all your students’ ability to participate with and without online learning technologies? What have you found?
3. For those students who are not currently able to participate in online learning, how are you planning to deliver “comparable educational content” to them?
4. What steps are you taking to get all students in the district connected to the internet so they can access online learning and other distance learning strategies the district has adopted? How are you providing technical assistance when needed to students and families to help them access online learning or other distance learning opportunities?
5. How does your plan address providing professional development for teachers to implement the distance learning strategies?
6. How are you providing guidance to teachers on effectively differentiating instruction and support for high-need students including low-income students, students with disabilities, English Learners and foster youth?
7. How will you be ensuring that students with disabilities have equal access to the curriculum including, if necessary, to assistive technology devices? What are you doing specifically to address their needs?
8. How will you be ensuring that English Learners are progressing with their English language proficiency and have equal access to the curriculum? What are you doing specifically to address their needs?
9. How will schools and teachers maintain connection and relationship with students and families during this time? Are you engaging in outreach and connection to every single family/student?
10. Have you considered using school buses and other district transport to support students most in need, e.g., by delivering school meals, dropping off work packets, or even serving as mobile wi-fi hotspots?

Summary of CDE Distance Learning Guidance

The California Supreme Court has made clear in numerous cases over the last 145 years that the State itself is ultimately responsible for ensuring all students have access to basic educational equality of opportunity and that the State's ultimate responsibility cannot be delegated to local school districts. In light of this obligation, the Governor and the California Department of Education have issued a recent Executive Order and Guidance to ensure that students' education continues during the present COVID-19 crisis.

On March 13, 2020, Governor Gavin Newsom issued an [Executive Order](#) regarding the physical closure of schools by local educational agencies (LEAs) in response to the COVID-19 pandemic. The order provides that even if schools close their physical classrooms temporarily because of COVID-19, districts and charters will continue to receive state funding. In addition to continuing to pay staff and provide school meals, school agencies are to use those funds to:

“Continue delivering high-quality educational opportunities to students to the extent feasible through, among other options, distance learning and/or independent study.”

The California Department of Education (CDE) issued [Guidance](#) on March 17, 2020 spelling out in some detail what the State expects LEAs (school districts, charter schools and county offices of education) to provide in terms of distance learning. This document summarizes the key steps districts should be taking now to educate their students during the time of COVID-19 school closures.

The CDE Guidance notes “[i]t is critical that LEAs take steps to ensure that these opportunities are available to all students *to the greatest extent possible*” (emphasis added). This formulation allows districts some flexibility to respond to the facts on the ground as they are facing them. At the same time, it makes clear that districts are not free to halt services entirely (unless doing so were the only possible option); instead, they should be providing the greatest possible learning opportunities that they are able.

I. LEAs Must Immediately Develop a Plan for Distance Learning Which, Among Other Things, Will Assess Their Ability to Deliver Instruction With and Without Online Technologies & Provide Necessary Professional Development.

The CDE Guidance directs that districts:

- Should immediately begin developing a plan for distance learning for their students,

- The plan should itself include a plan for providing training and professional development for the LEA's teachers to implement the adopted distance learning strategy.
- In order to develop the distance learning plan, districts "will need to assess their ability to deliver instruction both in an online setting and also in a non-technological setting."

By way of illustration, the CDE Guidance states that elements of the plan might include:

- Short- and long-term goals;
- A plan to assist teachers in analyzing the course sequence prior to closure so that they can develop a plan to cover the content and standards necessary to complete the planned course syllabus and to provide training on how to continue to deliver instruction;
- A continuum of delivery options for various grade levels;
- A continuum of delivery methods;
- A plan for how to allow teachers to engage with one another to calibrate on offerings for students, exchange of effective practices, etc.

II. LEAs Need to Be Conducting Assessments Now of Their Ability to Deliver Instruction Through Online Technologies as Part of the Development of Their Distance Learning Plan.

The CDE Guidance directs that "schools and districts should ensure that their plan addresses the needs of those students who have a device and access to the internet and those students who do not."

Accordingly, the Guidance requires that LEAs assess how all students will be able to access e-learning, looking at all of the following factors:

- Whether a student has access to the internet,
- Whether a student has access to a device and what alternatives exist for them to access a device,
- If the student has access to a device, by what means would students access content (e.g., via computers and web-based portals or smartphones and application-based versions of a given platform).
- How familiar a student is with the device and necessary support to ensure they are familiar with navigating its features, and
- The additional support that teachers might need to support online learning.

Once school officials have completed their local assessment of students' online capacities, they "will then need to assess the continuum of available strategies" needed to meet their students needs. The Guidance recognizes that:

- “Most schools will need to offer multiple options and a combination of strategies to students, depending on accessibility to devices and the internet.” Accordingly, “the plan should focus on how to deliver educational content to students across all platforms and delivery methods.”
- In considering the development and implementation of a distance learning plan for schools, school administrators need to consider:
 2. What are the existing resources (including hardware, licensing agreements with vendors, WiFi availability, etc.) that can be leveraged to more seamlessly transition to a distance learning environment?
 3. What processes need to be developed to ensure that equitable access and opportunity is offered to students?
- The plan should take into account both the short- and long-term distance learning scenarios. The short-term timeframe can be understood to refer to the period between the initial school closure and the first announced target end date (generally, three weeks), with “long-term” referring to the second and subsequent announcements of longer-term closures, e.g., May 1, at least, for Bay Area counties and more generally, until the end of the current school year.

III. LEAs Must Ensure Equity and Access for All Students

A. In General

The CDE Guidance specifically reminds LEAs that “*we cannot lose track of the needs of our most disadvantaged students*. LEAs will need to solve a variety of concerns about access” (emphasis added).

The Guidance reminds districts and charters of key baseline legal requirements regarding access to educational opportunity in California, including that:

- The California Constitution prohibits LEAs from requiring students to purchase devices or internet access.
- California law requires that all students have access to standards-aligned textbooks or instructional materials in the core subjects, for use in class and to take home.

The Guidance further outlines key equity guardrails in stating that:

- “LEAs should assess whether an e-learning/distance learning strategy would provide the most meaningful educational opportunity for students and, if so, steps they can take to ensure equitable access.” In other words, *if LEAs determine that an online learning strategy would be the most meaningful for a disadvantaged student, it should endeavor to provide equitable access to online learning.*

- At the same time, the Guidance recognizes that “equitable access does not require that LEAs offer the exact same content through the same channel for all students.” *Where online avenues may not be possible, “the plan should include an analysis of alternate deliveries of comparable educational content.”* Thus, even where a student may not be receiving instruction through online media like his or her classmates, they should be receiving “comparable educational content,” e.g., by way of packets or perhaps even socially-distanced in-person instruction.
- Where online instruction is being provided, LEAs should ensure that guidance is provided to teachers for how to effectively differentiate instruction and support is provided (including technology assistance) for students in the class who need additional support, including, but not limited to, students with disabilities and English Learner students.
- Districts should consider creative uses of school buses and other transport to support students most in need, e.g., by delivering school meals, dropping off work packets, or even serving as mobile wi-fi hotspots.

B. Additional Considerations for Students with Disabilities

- LEAs that should focus their distance learning plan on how to continue serving these students, by tailoring distance learning to provide educational benefits to students with disabilities, to the greatest extent practicable under the circumstances.
- At this time, the federal government has not waived the federal requirements under the Individuals with Disabilities Education Act (IDEA).
- CDE will convene a workgroup of practitioners and experts in special education to assess various models for effectively serving students with disabilities in a distance learning environment. Additional guidance will be forthcoming shortly.

In the meantime, the CDE Guidance recommends LEAs do as follows with respect to each of the following types of services:

- Individualized Instruction in Distance Learning Settings: Assess the extent to which its students with disabilities will be able to attain educational benefit under each learning option. Consider the need to develop plans to provide additional services to some students with disabilities when onsite instruction and regular school operations resume.
- Related Services: To the greatest extent possible, LEAs should continue providing related services consistent with the student’s IEP. Consider providing services on one or more schoolsites, consistent with social distancing guidelines.
- Assistive Technology: LEAs should also be flexible in providing access to school-purchased assistive technology devices when necessary, consistent with law, to

ensure children have access to devices they typically use at school.

C. Additional Considerations for Students with Disabilities

- In its distance learning plan, an LEA should also have a plan for providing language development instruction and services for English learners, aligned to the LEA's language acquisition program.
- Although distance learning may provide a valuable alternative during uncertain times of physical school closures, *it is important to evaluate a student's progress toward language acquisition when the regular school session resumes to determine whether a student may need additional services and supports* to account for how the distance learning program may have impacted the student's progress. (Emphasis added.)